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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/927,187	08/10/2001	John Merva	RVSI-020	3838
7590 06/29/2004				
MORRIS I. POLLACK 19 Eberhardt Road East Hanover, NJ 07936			EXAMINER LEE, SEUNG H	
			ART UNIT 2876	PAPER NUMBER

DATE MAILED: 06/29/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

AVS

Office Action Summary	Applicati n N .		Applicant(s)	
	09/927,187		MERVA ET AL.	
	Examiner		Art Unit	
	Seung H Lee		2876	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 8 March 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Receipt is acknowledged of the response filed on 08 March 2004, which has been entered in the file.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 6, 7, 12, 14, 18, 19, 21, 22, 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Li et al. (US 5,504,319, of record)(hereinafter referred to as 'Li') in view of Stoffel (US 5,168,766).

Li teaches that a scanning system for scanning encoded symbology (122, 124, and 126) on the packagers (118 and 119) comprising a conveyor belt (120) and larger system (101) serving as support means, light beams for illuminating the barcodes on the packages, scanners such as 2D CCD (110 and 114) for capturing the image containing a plurality of barcodes on the packages simultaneously serving as imaging means, a decoder (116) for decoding the encoded barcodes (see Figs. 1-11; col. 1, lines 10-25; col. 2, line 45- col. 3, line 60).

However, Li fails to particularly teach that the barcodes are attached to a number of articles.

Stoffel teaches an analyzer automat (100) comprising a CCD camera (910) for imaging a number of articles or test-tubes (950) to be identified wherein the test-tubes are located in predetermined location as shown in figure 2 (e.g., outer edge of the dispensing station (700))(see Fig. 2; col. 4, line 60- col. 5, line 5).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teachings of Stoffel to the teachings of Li in order to provide an improved and an enhanced system for decoding a plurality of barcodes attached on the each test-tubes using the CCD camera after obtaining the images containing barcodes. Moreover, such modification would provide particular information regarding each and every test tubes, that is, each and every bar code label identifies a patient reference. Furthermore, such modification (i.e., imaging/decoding a multiple barcodes attached on the multiple item after rather than imaging/decoding a multiple barcodes attached on the single item) would have been an obvious to one of ordinary skill in the art at the time the invention was made to realize that the imaging system will scan the entire area of the image field for capturing the image using the CCD camera further process such as decoding of the scanned image whether there is single item or multiple item are disposed therein.

4. Claims 2, 8, and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Li and as modified by Stoffel as applied to claims 1, 7, and 13 above, and further view of Oizumi et al. (US 5,770,848, of record)(hereinafter referred to as 'Oizumi').

The teachings of Li/Stoffel have been discussed above.

Although, Li/Stoffel teaches the scanning system for capturing images containing a plurality of barcode and decoding the information, they fail to particularly teach or fairly suggest that the scanning system comprises a transparent window.

However, Oizumi teaches an automatic code recognizing apparatus having a reading unit (204) and transparent plate (215) wherein the reading unit comprises CCD camera for reading means (see Fig. 16; col. 14, line 62- col. 18, line 28).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teachings of Oizumi to the teachings of Li/Stoffel in order to provide an improved and an enhanced system for reading the data attached to the bottom surface of the packages. Moreover, such modification would reduce the reading error by re-reading the data affixed on the packages, and therefore an obvious expedient.

5. Claims 3-5, 9-11, 15-17, 20, and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Li as modified by Stoffel and Oizumi, and further in view of Gusmano (US 5,532,845, of record).

The teachings of Li/Stoffel/Oizumi have been discussed above.

Although, Li/Stoffel/Oizumi teach a scanner having the CCD array, they fail to teach or fairly suggest that the plurality of CCD decoding each portion of the barcode and assemble decoded data.

Gusmano teaches a digital scanner having two CCD array (11 and 21) wherein each CCD is scanning a half of document to produce electronic images, and then stitching both images from its respective CCD into a single image using a stitching circuit (120), and the system can have a multiple number of CCD (e.g., four CCD) (see Fig. 3-4; col. 3, line 55- col. 6, line 11).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teachings of Gusmano to the teachings of Li/Stoffel/Oizumi in order to provide an improved and an enhanced scanning means wherein scanner including multiple CCD can scan larger area/portion of the document, that is, utilizing each CCD to capture a portion of image, decoding captured portion of image using associated circuits such as an imaging process circuit, and then combining a plurality of images into a single larger image, and therefore an obvious expedient.

Response to Arguments

6. Applicant's arguments with respect to claims 1-18 have been considered but are moot in view of the new ground(s) of rejection.

In response to the applicant argument that "...*Li scans the barcode on a single articles...*" (page 7, line 11+), the Examiner respectfully provides Stoffel reference wherein Stoffel teaches to capture the image of the plurality of test-tubes for identifying purposes as discussed in paragraph 3 above.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure;

Batterman et al. [US 5,262,623] discloses a barcode reader distinguishes a preferred barcode out a plurality of barcode whining the field of view of the barcode reader.


Any inquiry concerning this communication or earlier communication from the examiner should be directed to Seung H. Lee whose telephone number is (571) 272-2401. The examiner can normally be reached on Monday to Friday from 7:30 AM to 4:00 PM.

If attempt to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee, can be reached on (571) 272-2398. The fax-phone number for this group is (703) 872-9306.

Communications via Internet e-mail regarding this application, other than those under 35 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be addressed to [seung.lee@uspto.gov].

All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0956.


Seung H. Lee
Art Unit 2876
June 28, 2004


MICHAEL G. LEE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2800